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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,713	01/16/2004	Dale Carpenter	LL2003-07	6547
37951	7590	10/18/2005		
LETHAM PATENT GROUP LLC 914 N. TUCANA LANE GILBERT, AZ 85234			EXAMINER RICCI, JOHN A	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 10/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,713

Applicant(s)

CARPENTER ET AL.

Examiner

John Ricci

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 12-28 and 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 29, 34, 40, 41 and 45 is/are rejected.
- 7) ☒ Claim(s) 30-33, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/16/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Application/Control Number:  
10/758,713  
Art Unit: 3714

Page 2

Claim 44 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/28/05.

Applicant's election with traverse of claims 11, 29-34, & 40-43 in the reply filed on 7/28/05 is acknowledged. The traversal is on the ground(s) that a coupler that moves axially, a coupler that moves rotationally, and a coupler with pins and grooves are not mutually exclusive. This is not found persuasive because the operation of the different embodiments are substantially different and would require substantial additional examination.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10, 12-28, & 35-39 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the

Application/Control Number:  
10/758,713  
Art Unit: 3714

Page 3

restriction (election) requirement in the reply filed on  
7/28/05.

\* \* \* \* \*

The following is a quotation of the appropriate  
paragraphs of 35 U.S.C. 102 that form the basis for the  
rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 29, 34, & 40 are rejected under 35  
U.S.C. 102(e) as being anticipated by Ferrara et al  
6,588,412.

Ferrara shows a paintball system including a hopper 12,  
marker 11, and a coupler for coupling the hopper to the  
marker, including a feed neck 23 connected to the hopper,  
and a marker mount 14 connected to the marker; the feed  
neck and marker mount being releasably coupled.

Application/Control Number:  
10/758,713  
Art Unit: 3714

Page 4

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41 & 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrara in view of Lightburne 263,415.

In Ferrara, the feed neck is coupled to the marker mount by means of threads 21; it would be time consuming to unscrew the feed neck from the marker mount. Lightburne shows a coupling between tubular members which can be more quickly connected and disconnected, including pins F extending from a first member, which engage grooves G in a second member, the grooves G having a locking portion, and a spring means I to retain the pins in the locking portion. One would recognize that this would be a more convenient connection than a screw connection. It would have been obvious to one of ordinary skill in the art to use a pin

Application/Control Number:  
10/758,713  
Art Unit: 3714

Page 5

and groove connection to connect the feed neck and marker  
mount of Ferrara, as suggested by Lightburne.

\* \* \* \* \*

Claims 30-33, 42, & 43 are objected to as being  
dependent upon a rejected base claim, but would be  
allowable if rewritten in independent form including all of  
the limitations of the base claim and any intervening  
claims.

\* \* \* \* \*

The prior art made of record and not relied upon is  
considered pertinent to applicant's disclosure.

\* \* \* \* \*

This letter was prepared by Examiner John Ricci, who  
can be reached at:

Voice: 571-272-4429

Fax: Use 571-273-8300 for papers to be delivered  
directly to the mail room, like formal amendments and  
responses, change of address, power of attorney, petitions.

Application/Control Number:  
10/758,713  
Art Unit: 3714


Page 6

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

*Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.*

PTO main switchboard: 800-786-9199.

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**JOHN RICCI**  
**PRIMARY EXAMINER**  
**ART UNIT 3714**